

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,688

)

Appeal of)

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare finding him ineligible for Medicaid until he incurs \$1,008.00 in medical expenses for the six-month period beginning June 1, 1995. The issue is whether the Department has accurately calculated the petitioner's income and applied the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and his wife both rely on Social Security benefits for their income. Their combined income from these benefits is \$925.00 a month (before the deduction for their Medicare premiums, see infra).

At the fair hearing in this matter, held on June 20, 1995, the Department carefully explained the regulations to the petitioner and provided him with copies of his eligibility worksheet. The petitioner took no issue either with the Department's calculation of his income or with its application of the regulations.

It was also explained to the petitioner at that time that all medical bills and expenses incurred between June 1 and November 30, 1995, could be used to meet the petitioner's applied income for that period. The petitioner was advised to make the Department aware of the bills he incurs and was also advised that he need not pay these bills--he only need incur them.

ORDER

The Department's decision is affirmed.

REASONS

The petitioner does not dispute that the Department accurately computed his applied income based on his income and the allowable "protected income level" (PIL) under the regulations. Medicaid Manual

(MM) § M402. The PIL for the petitioner and his wife is \$691.00 a month. When multiplied by six (\$4,146.00) and subtracted from the household's net income for the six month period in question (\$5,430.60), this leaves the household \$1,284.60 over income. A deduction for the household's Medicare premiums over this period (\$276.60) yields an applied income figure of \$1,008.00.

Inasmuch as the Department's decision is in accord with the facts and the pertinent regulations, the board is bound to law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

#